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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6955 of 2007

PETITIONER		Smt. Nalini Sori, W/o Shri Sonaram Sori, Age about 54 years, District Programme Officer, Women and Child Welfare Department, Dantewada, District Dantewada (C.G.)
		Versus
RESPONDENTS	1	State of Chhattisgarh, Through : The Secretary, Women and Child Welfare Department, Mantralaya, Raipur (C.G.)
	2	The Director, Women and Child Welfare Department, Directorate, Raipur (C.G.)
	3.	Shri Prafull Dubey, District Programme Officer, Women and Child Welfare Department, Dantewada (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Prafull Bharat, Counsel for the petitioner.
Shri Satish Gupta, Dy. Govt. Advocate for the State.

ORAL ORDER
(22.11.2007)

SUNIL KUMAR SINHA, J

Heard.

The petitioner who is working on the post of District Programme Officer, Dantewada, has been transferred from Dantewada to Jagdalpur on administration grounds and by another order, respondent No.3 has been posted as District Programme Officer, Dantewada.

Learned counsel for the petitioner submits that the petitioner has been transferred to accommodate respondent No.3. He submits that earlier respondent No.3 was working as District Project Officer and when she was promoted on 10.08.2007, she was given posting at Dantewada and for this, the petitioner is being transferred to adjust respondent No.3. He also submits that the sister of respondent No.3, who is working on the post of Project

Officer, is facing departmental enquiry and her preliminary enquiry was conducted by the petitioner, therefore, the petitioner has been transferred.

I have heard learned counsel for the petitioner at length.

The grounds which have been pressed by the petitioner to show that in fact the petitioner was transferred to adjust respondent No.3 do not appear to be appealing and they also do no constitute ingredients of malafides. In an administrative exigency, such recourse can be adopted and unless the recourse adopted appears to be apparently on extraneous considerations or intentional on the part of the government, no malafide can be attributed.

As far as question of preliminary enquiry in the matter of sister of respondent No.3 is concerned, the same can also not be a ground to interfere with the order of transfer, because, the order has been passed by the State Government and it cannot be presumed that respondent No.3 may have such interference with the level of the government that she will get the petitioner transferred only on the ground that the petitioner had conducted preliminary enquiry against her sister.

Transfer is an incidence of service. No person working on a transferable post can claim to be posted at a particular place. It is for the employer to see that who should be posted where in the interest of better functioning of the department as also in the public interest. It is the settled view of the Apex Court that unless the order of transfer is vitiated by malafides or extraneous consideration or is against any statutory Rules or Act, the same cannot be interfered by a Court of Law.

Learned counsel for the petitioner could not point out any ground of malafide, extraneous considerations or violation of any statutory rules or the Act.

I do not find any reason to interfere in the order of transfer.

The petition deserves to be dismissed and is accordingly dismissed.

Sd/-
Sunil Kumar Sinha
Judge

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